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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,378	10/15/2003	Dong Kwan Ma		6312

34261 7590 03/04/2005

HOLLAND & KNIGHT LLP  
633 WEST FIFTH STREET, TWENTY-FIRST FLOOR  
LOS ANGELES, CA 90071-2040

EXAMINER
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BUTLER, DOUGLAS C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/686,378

**Applicant(s)**

MA ET AL.

**Examiner**

Douglas C. Butler

**Art Unit**

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-9 are allowed with claim 1 being an allowed generic claims.
2. Claims 10-16, directed to the species of Species B: Figures 3-6, are withdrawn from further consideration since they do not depend upon or otherwise include each of the limitations of an allowed generic claim as required by 37 CFR 1.141.

See MPEP 809.02(c) as to handling withdrawn claims when an allowable generic claim is present.

3. This application is in condition for allowance except for the above. Applicants are given one Month or Thirty Days from the date of this letter, whichever is longer, to cancel claims 10-16 or to conform claims 10-16 to fully embrace all features of claim 1. Failure to take action will be treated as authorization to cancel claims 10-16 by Examiner's Amendment and pass the case to issue. Prosecution of this case is closed except for consideration of the above matter.

4. With respect to withdrawn claims 10-16, note the following:

There are no clear antecedent bases in the claims for "the external surface of the spindle" of claim 10, line 5; "the gap in-between the guide sleeve and the spindle" of claim 11, line 2; "the top of said gap" of claim 11, last line; "the gap in-between the guide sleeve and the spindle" of claim 12, line 2; "the gap" of claim 12, last line; "the lower end of the guide sleeve" of claim 13, lines 1-2; "the lower end of the spindle" of claim 13, last line; "the upper end of the guide sleeve" of claim 14, lines 1-2; "the upper portion of the spindle" of claim 14, last line; "the internal surface of the tube guide" of claim 15, line 2; "the external surface of the guide sleeve" of claim 15, line 2.

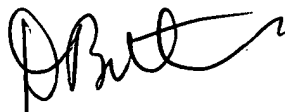
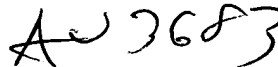
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Re claim 16, there is no clear antecedent basis in the claim for "the outer surface of the spindle" of claim 16, line 5. Note that "a base tube" is recited twice – see claim 16, line 3 and claim 16, line 7. Also, the phrases "in the manner of adhesion" of claim 16, line 6 and "the piston is combined with the piston" of claim 16, last line are unclear.

5. Note that merely providing a clear antecedent basis in the claims 10-16 for elements that currently lack clear antecedent bases would not comply with the requirement that claims 10 and 16 include all the features of allowed claim 1.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication should be directed to Exmr Butler at telephone number 703-308-2575.

  
DOUGLAS C. BUTLER  
PRIMARY EXAMINER  


3/4/05

Butler/vs  
March 2, 2005